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Attorneys for Defendant  
CITY OF EUREKA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ECOLOGICAL RIGHTS FOUNDATION, a  
non-profit corporation,

Plaintiff,

v.

CITY OF EUREKA, a municipal corporation,

Defendant.

Case No. 4:22-cv-01459-JST

**DECLARATION OF GREGG  
KETTLES IN SUPPORT OF  
DEFENDANT CITY OF EUREKA'S  
MOTION TO MODIFY THE  
CONSENT DECREE**

Date: December 12, 2024  
Time: 2:00 p.m.  
Courtroom: 6  
Judge: Honorable Jon S. Tigar

Trial Date: Vacated  
Action Filed: March 8, 2022

1 I, Gregg Kettles, declare as follows:

2 1. I am an attorney at law licensed to practice in the State of California. I am a  
3 Partner with Best Best & Krieger LLP, counsel of record for the Defendant City of Eureka  
4 (“City”) in the above-captioned case. I am submitting this declaration in support of the City of  
5 Eureka’s Motion to Modify Consent Decree. The following is true and correct to the best of my  
6 knowledge, and if called upon to do so, I could and would testify competently thereto in a court  
7 of law.

8 2. I have been representing public agencies in litigation matters for over ten years.  
9 At least 10 of those litigation matters have been cases filed in California Superior Courts by a  
10 plaintiff/petitioner challenging public agency action and seeking a writ of mandate under  
11 California Code of Civil Procedure section 1085 or 1094.5 to overturn it (“Writ Cases”). Based  
12 on my experience, Writ Cases typically take at least a year or more to get to judgment after the  
13 service of the final operative complaint/petition.

14 3. I handle appeals in my practice. I am a Certified Appellate Specialist by the State  
15 Bar of California Board of Legal Specialization. I have participated in more than 40 appeals  
16 since I became a licensed attorney. More than 30 of those appeals have been before the  
17 California Court of Appeal. A party has filed a petition for review of the Court of Appeal  
18 decision with the California Supreme Court in some of those cases. Based on my experience,  
19 appeals typically take about two years, from the time judgment is entered until the Court of  
20 Appeal renders a decision and it becomes final. A subsequent petition for review with the  
21 California Supreme Court typically takes about two months if the petition is denied, from the time  
22 the Court of Appeal decision becomes final and the petition is denied.

23 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
24 October 4, 2024.



Gregg W. Kettles